

REMARKS

The PTO mailed a Notice of Panel Decision from Pre-Appeal Review to applicant on July 2, 2007, which stated that: “***the rejection is withdrawn and a new office action will be mailed.***” (emphasis added). However, applicant has not received any new substantive office action (only a Notice of Non-Compliant Amendment), and thus, the current status listed on the PAIR system, namely “non-final office action mailed,” appears to be incorrect. Applicant kindly requests a clarification of the current status of the patent application.

As early as November 2005, a basis for allowable subject matter had been identified: “***It would however be distinct, if Applicant claimed dynamically editing a web page while the webpage is being run on the browser.***” (Advisory Action mailed 11/30/2005 at continuation sheet)(emphasis added). Since that time, applicant has argued unsuccessfully that the claims as pending were sufficient to overcome the cited prior art. In September 2006, applicant re-filed a Notice of Appeal, along with a Request for Pre-Appeal Review. In July 2007, a decision was issued on the pre-appeal review to re-open prosecution, although no explicit reasoning or explanation for the decision was provided. (See Notice of Panel Decision from Pre-Appeal Review mailed 7/2/2007). Instead, through a series of interviews with the Examiner, allowable subject matter was identified, and applicant was asked to provide suitable amendments.

In a telephone interview initiated by the Examiner on June 20, 2007, applicant’s counsel finally agreed to amend the claims to add the term “dynamically” as suggested by the Examiner, and to address newly raised Section 101 issues. The Examiner suggested that the amendments be faxed to him so that he could enter an Examiner’s amendment and move the case to allowance.

On June 28, 2007, applicant’s counsel telephoned the examiner to discuss examples of claim language. On July 20, 2007, applicant submitted proposed amendments to the independent claims, consistent with suggestions made by and discussed with the examiner. The Examiner apparently did not receive this document, however, and applicant re-faxed the document directly to the Examiner on August 6, 2007. Applicant’s counsel notified the Examiner that the proposed amendments only addressed the independent claims, and asked for his reaction to those proposed

amendments before preparing and submitting corresponding amendments to the dependent claims. Applicant has not received any feedback to date on the proposed amendments to the independent claims.

The PTO apparently treated the proposed amendments as a “response to non-final office action” and has now issued a notice of non-compliant amendment. It was never applicant’s intention to provide a formal response, and in fact, there is no outstanding non-final office action. (*See above*). Instead, it was applicant’s intention to provide suggested limitations for the independent claims that would put these claims into condition for allowance and be entered by examiner’s amendment, as discussed with the examiner. If the proposed amendments were unacceptable, then it was applicant’s intention to wait for a new office action on the merits before taking additional steps.

Now, in the same spirit of cooperation, and assuming that the previously submitted proposed amendments to the independent claims would be acceptable and allowable, applicant provides herein a complete listing of pending claims including corresponding proposed amendments to the dependent claims. These amendments are proposed without prejudice to seeking broader claim protection. Favorable reconsideration is requested.

The Examiner is encouraged to telephone the undersigned to discuss any remaining issues.

Respectfully submitted,

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By: /Richard A. Nebb/
Richard A. Nebb
Reg. No. 33,540

VIERRA MAGEN MARCUS & DENIRO LLP
575 Market Street, Suite 2500
San Francisco, California 94105
Telephone: (415) 369-9660
Facsimile: (415) 369-9665